

encoded P picture signal is the same as the control data of the second encoded P picture signal.

14. (Twice Amended) The picture signal transmission method according to claim 13, wherein [said predetermined layer is one of a video sequence layer,] a group of pictures layer[, a picture layer and a slice layer] includes a P picture.

#### **REMARKS**

This is an amendment under 37 CFR §1.116. Since this amendment has been filed within two months of the mailing date of the Examiner's final rejection, in the event the Examiner does not issue a Notice of Allowability, the Examiner is respectfully requested to issue a timely Advisory Action.

Claims 1-14 are pending. Claims 1-3, 5-10 and 12-14 have been twice amended. Claims 4 and 11 have been cancelled without prejudice. It is respectfully submitted that the amendments to claims 1-3, 5-10 and 12-14 are supported by the specification, claims, abstract and drawings as originally filed and that no new matter has been added. In particular, support for such amendments is found in the specification at page 21, lines 5-15 and in Figs. 2 and 5 of the drawings.

The Examiner has maintained his grounds of rejection of claims 1-14 as set forth in the Office Action mailed May 19, 1995. Although claims 1-3, 5-10 and 12-14 have been twice amended to more particularly point out applicant's invention, before addressing such grounds of rejection in view of the present amendments to the claims, applicant wishes to respond to some of the positions taken by the Examiner in his Response to Amendment.

Referencing column 5, lines 5-10, of Ishibashi et al. (U.S. Patent No. 5,270,811) the Examiner states that Ishibashi et al. teach that the receiving display can be stopped by restricting *transmission*, in relation to the alarm condition.

It is respectfully submitted that the portion of Ishibashi et al. referenced by the Examiner is concerned with what occurs at the

receiving end of the asynchronous transmission mode network taught by Ishibashi et al., and not, as stated by the Examiner, with restricting transmission. As set forth at column 4, lines 54-57 of Ishibashi et al.:

The supervisory station is generally a central supervisory station *to which picture images are sent* of many monitored objects, and these pictures are shown on respective monitoring screens (emphasis added).

The "supervisor" referenced at column 5, lines 5-10, must therefore be at a receiving end of the asynchronous transmission mode network. In addition, with reference to Figs. 2, 3 and 4 of Ishibashi et al., the monitoring station 20 appears to be at the receiving end of the communication network 18. The Examiner's attention is directed toward the monitoring station 20 of such Figs. 2, 3 and 4, which monitoring station 20 contains a cell counter 26, a detection unit 28, and alarm unit 30, a variable rate CODEC device 14 and a display unit 24.

The Examiner, referencing column 5, lines 25-35, of Ishibashi et al., also states that a comparison of header data of the Ishibashi et al. site information must be *inherently* made to determine when the vacant cells are to (be) transmitted, especially since the Ishibashi et al. receiver checks to see if the received packet is vital site information or non-objective data. It is respectfully submitted that the Examiner is incorrect in regard to his position on inherency. In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teaching of the applied prior art. When the allegedly inherent characteristic is only possibly or probably present in the prior art device, the characteristic is not inherent. To be inherent, a characteristic must be a "natural result" of the prior art teaching and it must be "inevitable" from the prior art teaching. Consequently, if it is possible that the prior art does not include the characteristic, then the characteristic cannot be considered to be inherent.

In the present case to the extent header data is compared, it is more likely that the header data is compared with data in a table, to determine, not whether the headers of different cells are the same

(or different), but instead to determine whether the "information within a cell is a value of a temperature, an indoor sound, a smoke information or the like." (See column 5, lines 33-37.) Therefore, it is respectfully submitted that the Examiner's allegation of inherency is incorrect.

Referencing column 5, lines 5-10, and column 2, lines 13-26, of Ishibashi et al., the Examiner notes that since constant transmission of site information is not performed by the Ishibashi et al. coder in the case of non-changing data, the first and second header data of the vital site information are not transmitted. The Examiner further states, however, that header data of a vacant cell is transmitted in their place and discriminated within the decoder.

It is respectfully submitted that the Examiner is in error in regard to the teachings of Ishibashi et al. As explained by applicant above, the Examiner has incorrectly taken the position that operations at the receiving end of an asynchronous transfer mode network actually occur at the transmitting end of such network. (See column 5, lines 5-10 of Ishibashi et al.) Furthermore, it is respectfully submitted that the Examiner is incorrect in asserting that in the case of non-changing data, the first and second header data of the vital site information are not transmitted. Ishibashi et al. does not teach or suggest that header data are *eliminated*, for if this were the case, how would the cells be routed through the asynchronous transfer mode network of Ishibashi et al.?

Referencing column 5, lines 5-60, of Ishibashi et al., the Examiner further asserts that Ishibashi et al. disclose that the setting of the alarm condition also governs the determination of when to transmit vital site information. Although the Examiner appears to be correct to the extent that Ishibashi et al. teach that the delivery of information "is thinned out" when, in the case of temperature, the difference over time "does not exist at all or so much", this thinning out does not suggest simply not transmitting control data included within header data.

With reference now to the Examiner's rejections contained on the Office Action mailed May 19, 1995, which rejections have been maintained, the Examiner has rejected claims 1, 3-4, 8-11 and 13 under 35 U.S.C. §102(e) as being anticipated by Ishibashi et al.

Claims 4 and 11 have been cancelled without prejudice. Twice amended claim 1 is directed toward a picture encoding apparatus for forming an encoded P picture signal including comparator means for comparing the first control data with second control data included in a next header data of another picture, and means for changing the P picture encoding condition and for encoding an input signal to a P picture according to an output signal of said comparator means, when the first control data and the second control data are different from each other. As explained by applicant above, Ishibashi et al. does not include comparator means for comparing the first control data with a second control data included in a next header data of another picture.

Twice amended claim 3 is directed toward a picture decoding apparatus for decoding an encoded P picture signal including memory means for storing control data included in header data of a P picture, and decoding means for decoding a succeeding encoded P picture signal by using, when a next header data of said succeeding encoded P picture does not contain control data, the control data stored in said memory means. As previously explained by applicant, it is respectfully submitted that the Examiner is incorrect in asserting that in the case of non-changing data, the first and second header data of the vital site information are not transmitted. Ishibashi et al. does not teach or suggest that header data are *eliminated*, for if this were the case, how would the cells be routed through the asynchronous transfer mode network of Ishibashi et al.?

Twice amended claims 8 and 9 are directed toward a picture encoding method for forming an encoded P picture signal including the steps of comparing first control data, which is included in header data of a P picture, with second control data included in a next header data of another picture, and encoding the second control data only when the first control data and the second control data are different from each other. As explained above, Ishibashi et al. does not teach or suggest a comparison of the first control data and a second control data to determine if such first and second control data are different from each other.

Twice amended claims 10 and 12 are directed toward a picture decoding method for decoding an encoded P picture signal

including the steps of storing a first control data included in header data of a P picture, and decoding a succeeding encoded P picture signal by using the stored first control data when a control data does not exist in a next header data of said succeeding encoded P picture. Ishibashi et al. does not teach or suggest using such stored first control data when a control data does not exist in a next header data of a succeeding encoded P picture.

Twice amended claim 13 is directed toward a picture signal transmission method for transmitting encoded P picture data including the steps of transmitting a first encoded P picture signal and control data thereof, and transmitting a second encoded P picture signal and including none of a control data of the second encoded picture signal when control data of the first encoded P picture signal is the same as the control data of the second encoded P picture signal. In contrast, Ishibashi et al. does not teach or suggest that header data are not transmitted, for if this were the case, how would the cells be routed through the asynchronous transfer mode network of Ishibashi et al.?

The Examiner has rejected claims 2, 5, 9, 12 and 14 under 35 U.S.C. §103 as being unpatentable over Ishibashi et al., in view of Raychaudhuri et al. (U.S. Patent No. 5,122,875).

For the reasons set forth above with respect to twice amended claims 1, 3, 8, 10 and 13, from which twice amended claims 2, 5, 9, 12 and 14 depend, respectively, it is respectfully submitted that even if one were to combine the layered MPEG header protocol teachings of Raychaudhuri et al. as alleged by the Examiner, one would not arrive at applicant's invention as set forth in twice amended claims 2, 5, 9, 12 and 14, since elements or steps of the respective base claims would be missing.

The Examiner has rejected claim 6 under 35 U.S.C. §103 as being unpatentable over Ishibashi et al., in view of Fujinami (U.S. Patent No. 5,343,248).

It is respectfully submitted that even if one were to combine the recording medium of Fujinami with the teachings of Ishibashi et al. as alleged by the Examiner, one would not arrive at applicant's invention as set forth in twice amended claim 6. Claim 6 is directed toward a picture recording medium having an encoded P picture

signal including a first encoded P picture signal of a predetermined layer including control data, and a second encoded P picture signal following said first encoded picture signal, wherein said second encoded P picture signal omits the control data. Ishibashi et al. does not teach or suggest that header data are *eliminated*, for if this were the case, how would the cells be routed through the asynchronous transfer mode network of Ishibashi et al.?

The Examiner has rejected claim 7 under 35 U.S.C. §103 as being unpatentable over Ishibashi, in view of Fujinami as applied to claim 6, and further, in view of Raychaudhuri et al.


For the reasons set forth above with respect to twice amended claim 6, from which twice amended claim 7 depends, it is respectfully submitted that even if one were to combine the layered MPEG header protocol teachings of Raychaudhuri et al. as alleged by the Examiner, one would not arrive at applicant's invention as set forth in twice amended claim 7, since elements of the base claim, twice amended claim 6, would be missing.

In view of the above, it is respectfully submitted that the application is in condition for allowance. The Examiner's reconsideration and further examination are respectfully requested.

Respectfully submitted,  
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